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*Attorneys for Defendant and  
 Counterclaim-Plaintiff McAfee, Inc.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

TVIIM, LLC,

Plaintiff,

v.

MCAFEE, INC.,

Defendant.

**Civil Action No. 3:13-CV-04545-HSG**

**DECLARATION OF CHRISTINE  
 CAPUYAN IN SUPPORT OF  
 MCAFEE'S ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL  
 (MCAFEE'S MOTION IN LIMINE NO.  
 2 RE: NEW EXPERT OPINIONS AND  
 INFORMATION TVIIM REFUSED TO  
 PROVIDE DURING DISCOVERY)**

1 I, Christine Capuyan, declare and state as follows:

2 1. I am an attorney at the law firm of Wilmer Cutler Pickering Hale & Dorr, counsel  
3 for McAfee, Inc. ("McAfee") in the above-captioned litigation. I am licensed to practice law in  
4 the State of California. I am familiar with the facts set forth herein, and, if called as a witness, I  
5 could and would testify competently to those facts.

6 2. Pursuant to Local Rules 7-11 and 79-5, I submit this Declaration in support of  
7 McAfee's Administrative Motion to File Documents under Seal and in response to the Court's  
8 Order Denying Motions to Seal (Dkt. 184), to confirm that certain portions of Exhibit 3 to the  
9 Declaration of Joseph J. Mueller ("Mueller Declaration") in Support of McAfee's Motion in  
10 Limine No. 2 re: New Expert Opinions and Information TVIIM Refused to Provide During  
11 Discovery ("McAfee's MIL No. 2") are confidential and sealable.

12 3. The requested relief is necessarily and narrowly tailored to protect the  
13 confidentiality of the information contained in the following exhibit.

14 4. McAfee will lodge with the court and serve on plaintiff TVIIM, LLC an  
15 unredacted copy of the exhibit referenced in this declaration, highlighting in green the specific  
16 portions of each page in the exhibit to which McAfee maintains a claim of confidentiality.  
17 Should the court grant McAfee's Motion to Seal the unredacted copy of this exhibit (Dkt. 164),  
18 McAfee will publicly file a redacted version of it.

19 5. **Exhibit 3.** Exhibit 3 to the Mueller Declaration contains excerpts from the  
20 January 16, 2015 Expert Report of Dr. Moses Garuba, TVIIM's technical expert in this  
21 litigation. TVIIM designated this report as "CONFIDENTIAL – ATTORNEYS' EYES  
22 ONLY" under the Protective Order (Dkt. 62). These excerpts discuss highly confidential  
23 McAfee product design choices. This information could be used by McAfee's competitors to  
24 McAfee's disadvantage, particularly because it reveals McAfee's proprietary technical  
25 information. It is McAfee's practice and policy to maintain the confidentiality of this  
26 information and its disclosure would be harmful to McAfee.

I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge. Executed this 18<sup>th</sup> of June, 2015 at Palo Alto, California.

Dated: June 18, 2015

By: /s/ Christine Capuyan

Christine Capuyan

Wilmer Cutler Pickering Hale and Dorr LLP  
950 Page Mill Road  
Palo Alto, CA 94304

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the United States that a true and correct copy of the above and foregoing document has been served on June 18, 2015, to all counsel of record who are deemed to have consented to electronic service via the Court's ECF system per Civil Local Rule 5-1.

Dated: June 18, 2015

/s/ Christine Capuyan

Christine Capuyan

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